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Governor

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# State of Utah

## DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER  
Executive Director

### Division of Oil, Gas and Mining

JOHN R. BAZA  
Division Director

30470079

November 13, 2008

Certified Return Receipt  
7005 2570 0000 4801 7123

Justin Farley  
United Stone and Design  
P. O. Box 909  
Duchesne, Utah 84021

Subject: Failure to Abate Cessation Order and Withdrawal of Permit Approval, United Stone and Design, United Stone Quarry, S/047/0079, Uintah County, Utah

Dear Mr. Farley:

The attached Failure to Abate Cessation Order is issued for failure to abate Cessation Order MC-2008-59-01. A mandatory minimum civil penalty of \$750.00 per day until it is abated (for a maximum of 30 days) will be assessed. Continued mining operations at the site may result in a 'willful and knowing' violation, which can be assessed a penalty of up to \$10,000 per day. Civil penalties may be recovered in a civil action brought by the attorney general of Utah at the request of the Board of Oil, Gas and Mining.

On June 24, 2008, you received via certified mail, Cessation Order #MC-2008-59-01, which was issued for failure to provide full reclamation surety for your United Stone Quarry (DOGM Permit # S/049/0079) within the agreed schedule. To abate this violation, you were required to remit the remaining \$7,200.00 within a two-week period. To date, the Division has not received this payment.

Pursuant to UCA 40-8-16(b) and R647-3-111.1.11, effective immediately, the acceptance of your Notice of Intention to Conduct Small Mining Operations for the United Stone Quarry (DOGM File # S/047/0079) is withdrawn. You no longer have authority to conduct mining related activities or removal of product from the site. You are hereby directed to commence reclamation of your site in a timely manner and have reclamation work completed within 90 days. Failure to complete reclamation may result in additional enforcement action.

The Division is taking this action at this time, since you have failed to provide the required reclamation surety for this site. This action does not negate any obligation you may currently have for remitting permit fees, abating outstanding violations, or payment of assessed civil penalties for violations or cessation orders.



30470079

As per UCA 40-8-16(3) and R647-3-111.1.11, you have a right to appeal this action and request a formal hearing on the matter. To do so, you must file a written request to appeal within 10 days of your receipt of this notice.

Contact Julie Carter, Administrative Secretary, at (801) 538-5277, if you wish to exercise your right to appeal this decision before the Board of Oil, Gas and Mining. She can provide you with appropriate guidance and assistance in preparing your formal Hearing request. Your failure to file such a request may preclude you from further participation, appeal, or judicial review with regard to this action. If you choose not to appeal this proposed Notice of Agency Action, the Division's decision will become final.

If you have any questions regarding this Notice you may contact me at (801) 538-5320, or Paul Baker 538-5261.

Sincerely,

A handwritten signature in black ink, appearing to be 'Dana Dean', with a long horizontal flourish extending to the right.

Dana Dean, P.E.  
Associate Director, Mining

DD:lk:vs

cc:

Steve Alder, Attorney General's Office

Paul Baker, DOGM

Leslie Heppler, DOGM

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**Citation for Non-Compliance**  
**Utah Minerals Regulatory Program**  
1594 West North Temple, Salt Lake City, UT 84114  
Phone: (801) 538-5340 Fax: (801) 359-3940

**Citation #:** MC-2008-59-02

**Permit Number:** S0470079

**Date Issued:** 11/13/2008

☐ **NOTICE OF VIOLATION**

☐ **CESSATION ORDER (CO)**

☒ **FAILURE TO ABATE CO**

**Permittee Name:** United Stone & Design

**Inspector ID and Number:** 59

**Mine Name:** United Stone

**Date of Inspection:** NA

**Certified Return Receipt Number:**

**Date and Time of Service:**

**Nature of condition, practice, or violation:**

Failure to abate cessation order MC-2008-59-01

**Provisions of Act, regulations, or permit violated:**

R647-6-102.1.14

For Cessation Orders and Failure to Abate CO's, check appropriate box(es) below:

☒ **This order requires Cessation of ALL mining activities.**

Or

☐ **This order requires Cessation of PORTION(S) of the mining activities.**

**Mining activities to be ceased immediately:**

All mining related activity

☐ Condition, practice, or violation is creating an imminent danger to health or safety of the public.

☐ Permittee/Operator is/has been conducting mining activities without a Permit.

☐ Condition, practice, or violation is causing or can reasonably be expected to cause significant, imminent environmental harm to land, air, or water resources.

☒ Permittee has failed to abate Violation included in Citation # **MC-2008-59-01** within time for abatement originally fixed or subsequently extended.

**Abatement/corrective action(s) required (for all Citations):**

**Abatement Times (if applicable)**

Reclaim all surface disturbance related to your mining.

Permittee Representative (Print)

Leslie Heppler - Environmental Scientist

DOG M Representative (Print)

Permittee Representative's Signature

Date

DOG M Representative's Signature

11/13/2008

Date

**SEE REVERSE SIDE Of This Form For Instructions And Additional Information**